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EXAMINER

YENKE, BRIAN P

ART UNIT PAPER NUMBER

2614

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,287

Applicant(s)

TEGREENE ET AL.

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment (18 Aug 05).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Upon further review of the application and applied art, the examiner is again providing the previous rejection under AAPA and Browning .

Response to Arguments

Applicant's arguments filed 20 Sep 04 have been fully considered but they are not persuasive.

Applicants Arguments

a) Applicant states that Browning's write and erase electron beams must be incident from opposite sides of the imaging plate 54. Applicant states if these beams are incident from the same side of the plate, they will both write or erase the plate 54, but not both. Consequently, Browning would at most have suggest to one of ordinary skill in the art to modify system 20 (Fig 1 of AAPA) by replacing the erase burst 40 with an erase beam that strikes the screen 34 from the side of the projection surface 36.

Examiner's Response

a) The examiner disagrees. Initially it is noted that the applicant's invention in view of AAPA (Fig 1) is the elimination of the erase burst and incorporating an erase beam. In view of this, the examiner maintains that AAPA in view of Browning meet all the claimed limitations. Specifically, Browning discloses an optical projection system which discloses the option of erasing line-by-line or full erasure, where the erasing/writing can be performed by an electron beam(s), electrodes or other polarization sources (lasers, ion beam generators, etc...col 12, line 39-44). Browning also discloses that the electron beams could strike either side of the image

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member, or can be configured to strike only one side of the imaging member. Browning also discloses that the erasing and writing can be performed concurrently, where one level can be written and the second level can be erased (col 18, line 19-43).

Therefore, the examiner maintains the concept of erasing an image line-by-line is notoriously well known in the art as disclosed by Browning. The examiner's position in modifying Fig 1 (AAPA) is the inclusion of a line-by-line erasing technique, since the option of line-by-line or full erase has already been contemplated/performed. Also, the examiner disagrees, that one skilled in the art would incorporate such an erasure technique on the projection side, since Fig 1 clearly shows the full erasure being performed on the scan surface side, thus in replacing the full erasure with the line-by-line, the scan surface would obviously have been used.

Regarding the beams being narrower, the on-beam in prior art (Fig 1) is narrower than the projection screen at the scan surface. Then obviously if a line-by-line erasure is performed this limitation would also be met---since the beam would only erase a line and not the entire field/frame.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 69 is rejected under 35 U.S.C. 102(b) as being anticipated by Browning, US 4,951,150.

In considering claim 69, as stated above, Browning discloses that different polarities may be used to write/erase a projection system, where the writing and erasing may be performed concurrently (col 18, line 19-43).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (Fig 1) in view of Browning, US 4,951,150.

In considering claims 1, 4, 6, 7, 58 and 68-69

a) the claimed a projection screen including a scan surface and a projection surface having a region of adjustable brightness is met by AAPA, Fig 1 which discloses a scan surface 38 and a projection surface 36 which includes regions (44) of adjustable brightness via erase beam 40 and image beam 42

b) the claimed a beam generator operable to direct an electromagnetic off-beam and an electromagnetic on-beam onto the scan surface is met by beam generator 26 which includes

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erase beam 40 and image beam 42, where the erase beam turns the brightness off (i.e. black) and where the image beam illuminates the region to a desired brightness region via image generator 26.

However, as disclosed by AAPA, Fig 1 generates a off-burst (beam) which erases the entire region of the scan surface 38. Thus AAPA does not explicitly recite changing the brightness of a region via an off-beam and changing the brightness of "the region" with an on-beam.

Although, the erasing of a region, where the region can be erased line-by-line or in it's entirety, which then can be written to either line-by-line or in it's entirety is conventional in the art, the examiner nonetheless incorporates Browning, US 4,951,150.

Browning discloses an optical projection system, which can either erase an image line-by-line or in it's entire (full erase) (col 5, line 27-41, Fig 1-17), providing the viewer/designer a flexible projection system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA (Fig 1) which discloses erasing the entire region of the screen and then writes the image onto the screen, with Browning by providing a system which is able to erase the screen either line by line or fully, in order to provide the user/designer a conventional flexible optical projection system.

In considering claims 2, 59

a) the claimed the scan surface is parallel to the projection surface is met by AAPA where scan surface 38 is parallel to projection surface 36 (Fig 1).

b) the claimed beam generator... is met by image generator 26 which projects an off-burst and on beam onto scan surface 38 (Fig 1).

In considering claim 3,

AAPA does not disclose generating the on and off beam simultaneously. As stated above, AAPA discloses generating an erase burst (beam) prior to the generating an on beam.

As incorporated above, Browning discloses a system where the erasing can be performed line by line or full screen, where the writing can be performed simultaneously with the erasing in the line by line mode.

In considering claim 5,

a) the claimed a display screen... is met by display screen 46 (Fig 1).

b) the claimed wherein the projection screen... is met by projection screen 36 which projects the image onto display screen 46 via optics 47 (Fig 1).

In considering claim 8,

However, neither AAPA nor Browning disclose the scan and projection surface being the same surface.

AAPA discloses system where the scan surface is parallel to the projection surface where the projection surface 36 is located behind scan surface 38 in order to display image 28 onto display screen 46.

Therefore, it would have been obvious to one of ordinary skill in the art to modify AAPA and Browning which discloses a projection surface 36 and scan surface 38 which displays an image 28 onto screen 46, by using the same surface for the scan and projection surface if the display is located/can be display via the scan surface area.

In considering claims 9-12, 14-16 and 59-67

a) the claimed a screen is met by AAPA, Fig 1 which discloses a scan surface 38 and a projection surface 36 which includes regions (44) of adjustable brightness via erase beam 40 and image beam 42

b) the claimed a beam generator is met by beam generator 26 which includes erase beam 40 and image beam 42, where the erase beam turns the brightness off (i.e. black) and where the image beam illuminates the region to a desired brightness region via image generator 26.

However, as disclosed by AAPA, Fig 1 generates a off-burst (beam) which erases the entire region of the scan surface 38. Thus AAPA does not explicitly recite changing the brightness of a region via an off-beam and changing the brightness of “the region” with an on-beam.

For motivation refer to claim 1 above.

In considering claim 13,

a-b) the second beam has a duration is met where the image generator can use a look-up table or other technique to determine a striking time or intensity of the on-beam (2nd beam) that will set the regions 44 to the desired reflectivity level (AAPA, spec, page 5, lines 21-24).

In considering claim 17,

The claimed illuminator... is met by illuminator 24 (AAPA, Fig 1).

In considering claims 18, and 22-23

a) the claimed a screen is met by AAPA, Fig 1 which discloses a scan surface 38 and a projection surface 36 which includes regions (44) of adjustable brightness via erase beam 40 and image beam 42

b) the claimed a beam generator is met by beam generator 26 which includes erase beam 40 and image beam 42, where the erase beam turns the brightness off (i.e. black) and where the image beam illuminates the region to a desired brightness region via image generator 26.

However, as disclosed by AAPA, Fig 1 generates a off-burst (beam) which erases the entire region of the scan surface 38. Thus AAPA does not explicitly recite changing the brightness of a region via an off-beam and changing the brightness of “the region” with an on-beam.

For motivation refer to claim 1 above.

In considering claims 19-20

a-b) the second beam has an intensity is met where the image generator can use a look-up table or other technique to determine a striking time or intensity of the on-beam (2nd beam) that will set the regions 44 to the desired reflectivity level (AAPA, spec, page 5, lines 21-24).

In considering claim 21,

The claimed illuminator... is met by illuminator 24 (AAPA, Fig 1).

In considering claims 24 and 27,

a) the claimed a screen is met by AAPA, Fig 1 which discloses a scan surface 38 and a projection surface 36 which includes regions (44) of adjustable brightness via erase beam 40 and image beam 42

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b) the claimed a beam generator is met by beam generator 26 which includes erase beam 40 and image beam 42, where the erase beam turns the brightness off (i.e. black) and where the image beam illuminates the region to a desired brightness region via image generator 26.

However, as disclosed by AAPA, Fig 1 generates a off-burst (beam) which erases the entire region of the scan surface 38. Thus AAPA does not explicitly recite changing the brightness of a region via an off-beam and changing the brightness of “the region” with an on-beam.

For motivation refer to claim 1 above.

In considering claim 25,

a) the claimed the scan surface is parallel to the projection surface is met by AAPA where scan surface 38 is parallel to projection surface 36 (Fig 1).

b) the claimed beam generator... is met by image generator 26 which projects an off-burst and on beam onto scan surface 38 (Fig 1).

In considering claim 26,

a) the claimed illuminator... is met by illuminator 24 (AAPA, Fig 1).

b) the claimed a display screen... is met by display screen 46 which faces projection screen 36 (Fig 1).

c) the claimed wherein the projection screen... is met where projection 36 projects image 28 onto display screen 46 (Fig 1).

In considering claims 28-29, 32

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a) the claimed a screen is met by AAPA, Fig 1 which discloses a scan surface 38 and a projection surface 36 which includes regions (44) of adjustable brightness via erase beam 40 and image beam 42

b) the claimed a beam generator is met by beam generator 26 which includes erase beam 40 and image beam 42, where the erase beam turns the brightness off (i.e. black) and where the image beam illuminates the region to a desired brightness region via image generator 26.

However, as disclosed by AAPA, Fig 1 generates a off-burst (beam) which erases the entire region of the scan surface 38. Thus AAPA does not explicitly recite changing the brightness of a region via an off-beam and changing the brightness of “the region” with an on-beam.

For motivation refer to claim 1 above.

In considering claims 30-31

a-b) the second beam has an intensity is met where the image generator can use a look-up table or other technique to determine a striking time or intensity of the on-beam (2nd beam) that will set the regions 44 to the desired reflectivity level (AAPA, spec, page 5, lines 21-24).

In considering claim 33,

the claimed illuminator... is met by illuminator 24 (AAPA, Fig 1).

In considering claims 34 and 36,

a) the claimed a screen is met by AAPA, Fig 1 which discloses a scan surface 38 and a projection surface 36 which includes regions (44) of adjustable brightness via erase beam 40 and image beam 42

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b) the claimed a beam generator is met by beam generator 26 which includes erase beam 40 and image beam 42, where the erase beam turns the brightness off (i.e. black) and where the image beam illuminates the region to a desired brightness region via image generator 26.

However, as disclosed by AAPA, Fig 1 generates a off-burst (beam) which erases the entire region of the scan surface 38. Thus AAPA does not explicitly recite changing the brightness of a region via an off-beam and changing the brightness of “the region” with an on-beam.

For motivation refer to claim 1 above.

In considering claim 35,

a) the claimed the scan surface is parallel to the projection surface is met by AAPA where scan surface 38 is parallel to projection surface 36 (Fig 1).

b) the claimed beam generator... is met by image generator 26 which projects an off-burst and on beam onto scan surface 38 (Fig 1).

In considering claim 37,

a) the claimed a screen is met by AAPA, Fig 1 which discloses a scan surface 38 and a projection surface 36 which includes regions (44) of adjustable brightness via erase beam 40 and image beam 42

b) the claimed a light emitter is met by beam generator 26 which includes erase beam 40 and image beam 42, where the erase beam turns the brightness off (i.e. black) and where the image beam illuminates the region to a desired brightness region via image generator 26.

However, as disclosed by AAPA, Fig 1 generates a off-burst (beam) which erases the entire region of the scan surface 38. Thus AAPA does not explicitly recite changing the

brightness of a region via an off-beam and changing the brightness of “the region” with an on-beam.

For motivation refer to claim 1 above.

In considering claims 38-39,

The examiner incorporates the applicant’s own disclosure which states that it is known that the beams/light can be in the visible, invisible spectrum (page 4, line 6-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA and Browning, which disclose an optical projection system which can generating an erase beam/image beam line by line or full frame, by using conventional system which use either visible or invisible light, thus providing the designer flexibility in selecting conventional components.

In considering claims 40-42,

The examiner incorporates the applicant’s own disclosure which states that a row of devices, row of organic light-emitting device are convention in generating a beam/light (page 31, line 11-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA and Browning, which disclose an optical projection system which can generating an erase beam/image beam line by line or full frame, by using conventional system which use either a row of devices or row of organic light-emitting devices, in order to provide the designer flexibility in selecting conventional components in the design of the system.

In considering claim 43,

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a) the claimed a screen is met by AAPA, Fig 1 which discloses a scan surface 38 and a projection surface 36 which includes regions (44) of adjustable brightness via erase beam 40 and image beam 42

b) the claimed a light emitter is met by beam generator 26 which includes erase beam 40 and image beam 42, where the erase beam turns the brightness off (i.e. black) and where the image beam illuminates the region to a desired brightness region via image generator 26.

However, as disclosed by AAPA, Fig 1 generates a off-burst (beam) which erases the entire region of the scan surface 38. Thus AAPA does not explicitly recite changing the brightness of a region via an off-beam and changing the brightness of “the region” with an on-beam.

For motivation refer to claim 1 above.

In considering claims 44-45,

The examiner incorporates the applicant’s own disclosure which states that it is known that the beams/light can be in the visible, invisible spectrum (page 4, line 6-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA and Browning, which disclose an optical projection system which can generating an erase beam/image beam line by line or full frame, by using conventional system which use either visible or invisible light, thus providing the designer flexibility in selecting conventional components.

In considering claims 46-47, 49-50 and 54-57

a) the claimed changing the brightness of a region in a first direction is met by image generator 26 which includes erase beam 40

b) the claimed changing the brightness in a second direction with a second electromagnetic beam is met by image generator 26 which includes an image beam 42, where the erase beam turns the brightness off (i.e. black) and where the image beam illuminates the region to a desired brightness region via image generator 26.

However, as disclosed by AAPA, Fig 1 generates a off-burst (beam) which erases the entire region of the scan surface 38. Thus AAPA does not explicitly recite changing the brightness of a region via an off-beam and changing the brightness of “the region” with an on-beam.

For motivation refer to claim 1 above.

In considering claim 48,

AAPA does not disclose generating the on and off beam simultaneously. As stated above, AAPA discloses generating an erase burst (beam) prior to the generating an on beam.

As incorporated above, Browning discloses a system where the erasing can be performed line by line or full screen, where the writing can be performed simultaneously with the erasing in the line by line mode.

In considering claims 51-52,

The claimed changing the brightness of the region in the second direction... met where the image generator can use a look-up table or other technique to determine a striking time or intensity of

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the on-beam (2nd beam) that will set the regions 44 to the desired reflectivity level (AAPA, spec, page 5, lines 21-24).

In considering claim 53,

the claimed illuminator... is met by illuminator 24 (AAPA, Fig 1).

Double Patenting

4. Claim 24 of this application conflict with claims 1 and 11 of Application No. 09/858688. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Although, the claims of the instant application claim a projection screen having a scan and a projection surface, this is well-known as disclosed by AAPA (Fig 1), thus the non-recital of such in copending application 09/858688 is not patentably distinct.

The examiner would also like the applicant to clarify the differences between the remaining claims and that of copending application 09/858688. Specifically, application 09/858668 recites the limitations of an on/off direction and a first/second direction in the claims, where the instant application recites first/second direction in claim 24. Initially, if the applicant deems these applications are patentably distinct, then the examiner would like the applicant to explain how claim 24 of the instant application is not distinct from the remaining claims of the instant application.

Thus the examiner would like the applicant to state what the distinctness is between the pending claims of both applications in order to avoid/overcome a double patenting rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (571)272-7352.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is

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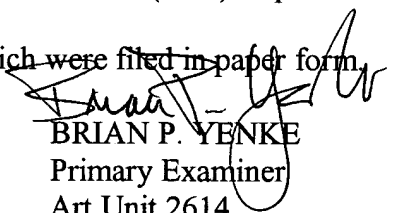
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also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.


BRIAN P. YENKE
Primary Examiner
Art Unit 2614


B.P.Y.

04 September 2005